




STATE OF TENNESSEE
DEPARTMENT OF FINANCE AND ADMINISTRATION
DIVISION OF MENTAL RETARDATION SERVICES
ANDREW JACKSON BUILDING, 15TH FLOOR
500 DEADERICK STREET
NASHVILLE, TN 37243

MEMORANDUM

DATE: July 27, 2007
TO: Kathleen Clinton, John Craven, and C.J. McMorran
FROM: Stephen H. Norris
Deputy Commissioner 
SUBJECT: Clarification of Involuntary Disenrollment after 120 Days

This memo provides clarification regarding the 120-day rule and when it is used as a basis for disenrollment from the Medicaid HCBS waiver.

The DMRS Provider Manual (Chapter 1, Section 1.8.b, page 1-9) specifies the circumstances that serve as a basis for involuntary disenrollment. The 120-day rule is applicable only to the situation in which a waiver service recipient has been in a hospital, nursing facility, Intermediate Care Facility for the Mentally Retarded (ICF/MR), Assisted Living Facility, and/or Home for the Aged for a continuous period exceeding 120 days (Section 1.8.b.#9). The 120-day period does not apply to the other situations because the expectation is that action will be taken immediately upon discovery that the situation exists. The 120-day period is also not applicable in other situations such as when waiver services are not provided due to the service recipient's request or refusal of service.

Authorization for involuntary disenrollment must be obtained from DMRS and from TennCare before any notice is sent to the service recipient regarding involuntary disenrollment. Involuntary disenrollment requests should be submitted to Louis Moore, M.D., DMRS Medical Director for Policy and Governmental Relations, for review and referral to TennCare.

When a service recipient has been in an institutional setting (e.g., a hospital or nursing facility) for a period of 75 days, the Support Coordinator/case manager shall notify the DMRS Regional Director, who shall promptly submit a request for approval of involuntary disenrollment to the DMRS Central Office. If the involuntary disenrollment is approved by TennCare, the DMRS Regional Director shall provide the service recipient prior to the 90th consecutive day of such institutional stay with 30 days advance written notice that involuntary disenrollment from the waiver will occur at the point that the service recipient exceeds 120 days of institutional stay. Such written notice shall include applicable appeal rights. Unless the service recipient is discharged from institutional care within the 30-day advance notice period or unless a timely filed appeal of such disenrollment is received, involuntary disenrollment from the waiver will proceed immediately on the 120th consecutive day of institutional stay or upon resolution of a timely filed appeal of such disenrollment, if applicable. If the institutional stay does not exceed 120 consecutive days, the DMRS Regional Director shall ensure that appropriate plans are developed to transition the service recipient to the waiver within the 120-day timeframe.

If a service recipient is involuntarily disenrolled from the waiver as a result of the situations specified in the DMRS Provider Manual (Chapter 1, Section 1.8.b, page 1-9), the Independent Support Coordinator or case manager must provide assistance to the service recipient in locating an appropriate alternative placement.

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Please distribute this memorandum to your case managers and other appropriate staff and also forward it to the ISC and other provider agencies.

SHN:wlm

cc: Fred Hix
Debbie Payne
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Karen Wills
Adadot Hayes, M.D.
Louis Moore, M.D.